

Claimant now asserts that her neck and back problems were caused by the work she did for respondent installing interiors in the Citation aircraft. The Board concludes that a preponderance of the credible evidence contradicts this claim. Claimant previously advised her family physician, Dr. Lyle W. Brooks, that her back complaints were not work

related. Dr. Brooks concluded the back condition was due to degenerative arthritis and does not suggest the arthritis was aggravated by the work. The physicians at Cessna Health Services concluded the condition was a non-occupational osteoarthritis. Claimant also represented to her chiropractor that the back complaints were not work related. Finally, claimant applied for and received non-occupational disability benefits by representing that the condition was not work related. For these combined reasons the Board agrees with and affirms the decision by the ALJ denying preliminary benefits.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order of Administrative Law Judge Jon L. Frobish dated June 27, 2000, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of August 2000.

BOARD MEMBER

c: Randy S. Stalcup, Wichita KS
Eric K. Kuhn, Wichita KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director